

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

STEVEN ERICH,)	CASE NO. 1:13CV1402
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
ERNIE MOORE, Warden,)	
)	
RESPONDENT.)	
)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. (Doc. No. 36.) Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [. . .]

28 U.S.C. § 636(b)(1)(C).

The R&R was filed on February 19, 2014, and was immediately served upon petitioner's counsel electronically. *See Fed. R. Civ. P. 5(b)(2)(E).* Under Fed. R. Civ. P. 6(a)(1) and (d), when computing time for filing objections, February 19th is excluded, every day thereafter is counted, and three additional days are added. If the deadline falls on a Saturday, Sunday, or holiday, the deadline is moved to the next business day. In this case, the objections were due no later than March 10, 2014.

No objections were filed on or before that deadline. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. In fact, there being no objections of any kind, the Court adopts the reasoning of the report and recommendation with respect to the merits of the grounds raised in the petition, and further accepts its determination that the case should be dismissed with prejudice.

IT IS SO ORDERED.

Dated: March 19, 2014


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE